

REMARKS

This is in response to the Official Action currently outstanding with regard to the above-identified application, which Official Action the Examiner has designated as a FINAL Official Action.

Claims 1-24 were pending in this application at the time of the issuance of the currently outstanding FINAL Official Action. By the foregoing Amendment, Applicants propose the correction of the spelling of one word and the rewriting of all of the Claims with proper indentations. Otherwise, Applicants propose no amendment of any claims, no cancellation of any claims, and no addition of any claims by this Amendment and Request for Reconsideration After Final Rejection Under 37 CFR 1.116. Accordingly, in the event that the Examiner grants entry to the foregoing Amendment, Claims 1-24 as hereinabove presented with appropriate status identifiers will constitute the claims under active prosecution in this application.

More particularly, in the currently outstanding FINAL Official Action, the Examiner has:

1. Acknowledged Applicants claim for foreign priority under 35 USC 119(a)-(d) or (f), and confirmed the receipt by the United States Patent and Trademark Office of the required certified copies of the priority documents;
2. Indicated that the drawings filed with this application on 9 January 2001 are accepted;
3. Provided Applicants with a Notice of References cited (Form PTO-892) listing five (5) newly cited references;

4. Provided Applicants with a copy of the Form PTO-1449 that accompanied their Information Disclosure Statement of 9 January 2001 duly signed, dated and initialed by the Examiner to confirm his consideration of the art listed therein;
5. Acknowledged Applicants' Amendment of 21 July 2004 and Applicants' Supplemental Amendment of 31 August 2004;
6. Objected to Claims 1 and 14 on the basis that they were not presented with proper indentations to allow a proper reading thereof and requested Applicants to present the same with proper indentations;
7. Finally rejected Claims 1-24 under 35 USC 102(e) as being anticipated by the newly found and cited Agraharam et al reference (US Patent No. 6,407,988) while at the same time withdrawing his previous rejection based upon the Leung reference (US Patent 6,621,810) in view of Applicants' persuasive argument and clarification of the wording of the claims of this application – **Applicants respectfully submit that the finality of this rejection is premature because the Examiner has not indicated that the present rejection was necessitated by Applicants' Amendment of the claims of this application – the Examiner instead simply has indicated that Applicants' argument against the Leung reference previously relied upon by the Examiner was persuasive, that the previous rejection is withdrawn, and that the newly found and cited Agraharam reference is finally applied against the presently pending claims of this application without providing the Applicants with the opportunity to respond to that rejection –**

therefore, withdrawal of the finality of the currently outstanding rejection is believed to be appropriate and is respectfully requested in response to this communication in the event that the claims are not deemed to be in condition for allowance in view of the following Remarks.

8. Failed to apply any of the other references cited against any of the claims of this application thereby suggesting that those references are simply deemed to be pertinent to Applicants' disclosure.

Further comment regarding items 1-5 and 8 above is not deemed to be required in these Remarks.

With respect to item 6 above, Applicants hereinabove have presented the claims of this application in a "clean" form with one spelling correction, appropriate status identifiers and proper indentations of the various elements and sub-elements of each claim. Applicants respectfully submit that the claims as so presented overcome the basis of the Examiner's objection to Claims 1 and 14 in that the claims as hereinabove presented comply with the Examiner's request that the claims be rewritten in properly indented form. A decision so holding in response to this communication is respectfully requested.

Finally, with respect to item 7, the Examiner has rejected claims 1-42 (apparently meaning Claims 1-24) under 35 USC §102(e) as being anticipated by the newly cited Agraharam et al reference (US 6,407,988). In so doing, however, Applicants respectfully submit that the Examiner has attributed disclosure to the newly cited reference that is not actually present therein. Further, Applicants respectfully submit that the Examiner has suggested that the newly cited Agraharam, et al. reference operates in a manner different from that which is actually disclosed therein.

Accordingly, Applicants respectfully submit that the Examiner's currently outstanding FINAL rejection that is based upon an asserted anticipation of the claims of this application by the newly found and cited Agraharam, et al. reference is not well founded.

In this regard, Applicants do not dispute that the Agraharam reference discloses a plurality of so-called MAIN networks - see, for example, networks 111.1, 111.2 and 111.3. Applicants also do not dispute that the Agraharam reference discloses at least one mobile terminal primarily associated with one of the networks as that mobile terminal's so-called "Home" network (agent) - see, for example, network 111.1. Further, Applicants do not dispute that the Agraharam reference discloses that at least one mobile terminal is movable from its primarily assigned so-called "Home" network (for example, network 111.1) to another of the networks (agents) designated as a "Foreign" network (for example, network 111.2).

Nevertheless, contrary to the Examiner's asserted basis for his currently outstanding FINAL rejection of all of the presently pending claims of this application, Applicants respectfully submit that neither the specifically and distinctly claimed communication device that sends preselected data received from the server to all of the mobile terminals located within its communication range, nor the specifically and distinctly claimed detection device that detects return signals from any mobile terminals within the communication range of the communication device is disclosed in the Agraharam reference. Accordingly, since in order to support an anticipation rejection the Examiner must show all of the elements of the rejected claim disclosed explicitly or inherently in a single prior art reference, and the newly found and cited Agraharam reference fails to teach, disclose or suggest all of the limitations of the presently pending claims of this application, Applicants respectfully submit that the Examiner's currently outstanding FINAL rejection upon reconsideration should be found to fail. A decision so holding in response to this communication is respectfully requested.

In support of this position, Applicants respectfully submit that in the Agraharam reference no only fails to specifically teach, disclose or suggest the presently claimed communication and detection means, but also operates in a manner that is inconsistent with the presence of the presently claimed communication and detection means therein. Thus, it will be understood that in the Agraharam reference, the mobile terminals ("hosts") are each assigned a home address (i.e., the address of the "home" network) and a virtual home address (i.e., the address of the mobile terminal when the mobile terminal is located on its respective "home" network) – see, Column 2, lines 38-46. Also in the Agraharam reference, the "home" and "virtual home" addresses are maintained in a database associated with the home network of the mobile terminal. Hence, a certain level of privacy is maintained in the Agraharam reference. Specifically, this privacy level arises because only the "home" address of the mobile terminal is made public whether the mobile terminal is actually located on its "home" network or not.

Further, in the Agraharam reference, each mobile terminal registers with both the "foreign" and the "home" networks each time it connects to a foreign network. The Agraharam reference does not specify how this "registration" is accomplished. Applicants respectfully submit, however, that in the Agraharam reference it is clear that the mobile terminal is the element that initiates the "registration" by somehow determining on its own whether it is located in its home network or in a foreign network, as opposed to one of the networks or a common server determining the presence of the mobile terminal in a particular network via the presently claimed network communication and detection devices or otherwise. Therefore, it will be understood that in the Agraharam reference, upon the "registration" by a mobile terminal, the network in which that mobile terminal then is located and the home network of that mobile terminal both update their respective databases utilizing input initiated by the mobile terminal so as to reflect the then current location of the mobile terminal.

Further, in the case of the mobile terminal being located in a foreign network, the mobile terminal in the Agraharam reference also obtains the “care-of” address of the foreign network. That “care of” address also is communicated to the home network either by the mobile terminal itself or by the foreign network in which the mobile terminal then resides. Thus, the home network and the foreign network databases both contain information concerning the current location of the mobile terminal (Column 4, lines 5-60), but that information is not acquired by either the “Home” or the “Foreign” network in the same manner or with the same elements as are herein specifically and distinctly claimed.

Still further, unlike the present invention wherein it is the server that decides where the incoming information is to be sent, the mobile server in the Agraharam reference is specifically disclosed as simply maintaining a database of the most recent care-of address of the mobile terminal as a central depository for the resolution of any conflicts among the databases of the various networks as to the then current location of the mobile network (Column 7, lines 45-53) Accordingly, Applicants respectfully submit that contrary to the presently claimed invention, in the operation of the Agraharam reference it is not the server that determines how incoming information is to be directed.

Instead, as discussed at Column 5, line 27 to Column 6, line 14, of the Agraharam reference, incoming data is first directed to the home network whether or not the destination mobile terminal is then located on that home network. Then, if the mobile terminal is located on the home network, the input is directed to the mobile terminal based upon the mobile terminal’s home virtual address. On the other hand, if the destination mobile terminal is not located on the home network, the incoming data is still sent to the home network of the mobile terminal, and the home network forwards the incoming data to the foreign network designated by the care-of address for the foreign network on which the mobile terminal is then located in accordance with the information stored in its database for ultimate distribution to the mobile terminal.

In the Agraharam reference, this forwarding is accomplished by so-called "tunneling" as opposed to retransmission. In addition, in Agraharam, upon receipt of the first packet of incoming information, the mobile terminal itself analyzes that information to determine its source.

Then, according to the Agraharam reference, if the source of the incoming information is located in a network connected to the foreign network in which the mobile terminal is then located, the mobile terminal issues a request through the foreign network to the information source network that requests that the information source network assume the role of a "pseudo home" network. This simply means that the information source network is requested by the mobile terminal to function in the manner of its home network such that input information directed to the mobile terminal at its home network is "tunneled" from the source network directly to the foreign network then associated with the mobile terminal, rather than to the foreign network via the real home network.

Accordingly, Applicants respectfully submit that the disclosure of the Agraharam reference is clearly indicative of its differences from the present invention. This is to say that while there may be some conceptual similarities between the Agraharam reference and the present invention, the Agraharam reference avoids the necessity of incoming information having to be "passed through" the home network when the destination mobile terminal is associated with a foreign network (at least after the pass through of the initial data packet) in a different way than that result is accomplished by the present invention. In other words, Applicants respectfully submit that the avoidance of "pass through" the home network in the Agraharam reference does not arise by virtue of any independent action taken by the information source network in response to information stored in the information source network concerning the then current relationship between the home and foreign networks and the mobile terminal as is the case for the presently claimed server.

Instead, in the Agrapharam reference, the avoidance of home network “pass through” results specifically from an initial information pass through the home network to the foreign network and thence to the mobile terminal that is followed by a particular and specific direction to the information source network from the mobile terminal itself requesting that further information directed to it at its home network be redirected to the foreign network on which the mobile terminal is then located, rather than to home network designated by the home address to which incoming information was originally sent. Consequently, Applicants respectfully submit that the Examiner’s argument that the Agrapharam reference anticipates the present invention cannot withstand detailed critical analysis. More particularly, when an analysis of the detailed description provided by the Agrapharam reference is undertaken, Applicants respectfully submit that it becomes clear that there is simply no centralized point of entry of information directed to a mobile terminal in the Agrapharam reference that (1) acquires and stores at any given time in the manner herein claimed (i.e., using the claimed communication and detection means) information concerning the network on which the mobile terminal associated with a specific home network is located, and (2) uses the latter stored information to determine how incoming information destined for the mobile terminal at its home network should be directed so as to reach the mobile terminal at its then actual location via the most efficient route. In other words, Applicants respectfully submit that the newly cited Agrapharam reference may reach a similar result to that of the present invention, but the means used and manner in which the newly cited reference accomplishes that goal are quite different from those disclosed and claimed by the present application.

In view of the foregoing Amendment and Remarks, therefore, Applicants respectfully submit that because the Examiner has not indicated in any way that his withdrawal of his previous rejection was necessitated by Applicants' Amendment of the claims of this application, the Examiner's designation of the present new grounds of rejection based upon newly located art as FINAL is not appropriate in the currently outstanding Official Action. Consequently, Applicants respectfully request that at least the FINALITY of the currently outstanding Official Action be withdrawn in response to this communication.

Furthermore, Applicants respectfully submit that as discussed hereinabove the Examiner in the currently outstanding FINAL Official Action has attributed disclosure to the newly cited Agraharam reference that is not actually present therein. In particular, Applicants respectfully submit that in the course of his currently outstanding rejection the Examiner has suggested and relied upon an interpretation of the manner in which the newly cited Agraharam reference operates that is different from that actually disclosed therein. Once the correct means and operation of the system disclosed in newly found and cited Agraharam reference are understood and appreciated in contradistinction to the means and operation of the system herein claimed, Applicants respectfully submit that the Examiner on the present record has failed to establish that each and every element of the claims of this application are found either expressly or inherently described in the newly cited Agraharam reference as is required in order to support his currently outstanding anticipation rejection.

Therefore, Applicants respectfully request (i) reconsideration of the currently outstanding FINAL rejection of the presently outstanding claims of this application based upon the newly cited Agraharam reference, (ii) that the FINALITY of the currently outstanding rejection be withdrawn, and (iii) a decision allowing the currently outstanding claims of this application in response to this communication.

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The above-requested results in response to this communication are respectfully submitted to be appropriate under 37 CFR 1.116 not only because the present FINALITY of the outstanding grounds for rejection is believed by the Applicants to be in error, but also because the foregoing Remarks clearly demonstrate that the presently pending claims are not anticipated by the newly cited Agraharam reference thereby rendering those claims allowable on the present record in accordance with the requirements of 37 CFR 1.116.

Early and favorable action in response to this communication, therefore, is respectfully requested.

Further, Applicants believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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